

Mr. PUGH. Let me conclude my sentence. We have no opportunity now, or at any time, except we violate our first impression. Our first impression was that there were subjects about which we would not debate; that we, as a majority of this house, would simply express our convictions, about which there was no necessity to have any argument whatever. We wished simply to put ourselves down immediately, the very moment the thing was suggested; the very instant we had the resolution drawn up; right then, without any discussion whatever. We wished to say so and so, and we determined so to say, without any debate. That was the deliberate determination of the majority of this body. We were here, all of us who voted, so to vote. If gentlemen of the minority were not here at that time, that was their fault. And I object to their now coming forward and putting themselves and their arguments upon record in this way, if they were not here to vote. And the gentleman from Kent (Mr. Chambers) will bear me out in the statement, that a great many of the gentlemen who have signed this protest were not here at the time the vote was taken.

Mr. CHAMBERS. Several; not a great many.

Mr. CLARKE. I have but a few remarks to make upon this subject. Gentlemen seem to speak as if this was the first time they had ever heard of such a paper as this. In all legislative bodies the distinction is marked, between the simple recording of votes "aye" and "no," and the expression of the opinion of the minority of a body in the form of a protest. The one is recognized as the right of every one, whenever the yeas and nays are demanded. The other rises into a higher privilege, a privilege recognized by all the parliamentary rules of bodies, a privilege conceded in all cases which in the opinion of the minority demand something more than the mere expression of a vote "aye" and "no," upon the journal.

Now what are the facts in reference to those resolutions? They were brought into this house; they were read; and then, as has been stated and not denied, the previous question was at once called upon them.

Mr. STIRLING. I distinctly deny that.

Mr. CLARKE. That the previous question was not called?

Mr. STIRLING. I deny the fact stated by the gentleman, as he has stated it.

Mr. CLARKE. I stated that the previous question was at once called without debate.

Mr. STIRLING. And that I deny. Every resolution must lay over one day, so that the previous question could not have been called at once. And when my colleague (Mr. Barron) did call the previous question, he did so without any consultation with any member upon this floor.

Mr. CLARKE. Of course I did not mean, and nobody understood me to mean, that

when the resolutions were read the first time, and laid over under the rule, the previous question was called out of order. But as soon as the resolutions came up so that the previous question could be called upon them, the previous question was called. That is of course what my original statement amounted to. I did not think it necessary to state to this house that the President did not permit the previous question to be called, or that no member attempted to call the previous question upon the first reading of the resolutions, when it was not in order. But so soon as the previous question could be called, it was called, and no debate was permitted. And the gentleman from Cecil (Mr. Pugh) further says that it was the desire of the majority of this house to prevent debate and act upon the resolutions at once.

Mr. PUGH. I may not have made myself sufficiently clear. What I meant to say was that it seemed to me to be the desire of the majority to do so. But so far as there having been any understanding except a spontaneous understanding that that was a subject upon which it was not necessary to discuss at all, I did not know anything about it. It was one of those matters of settled conviction in the minds of all who looked upon this subject in a certain way.

Mr. CLARKE. That is, a majority of this house having so spontaneously embraced these resolutions as an expression of constitutional law, right and justice, thought the resolutions should stand upon their own merits; that they needed no word of explanation or argument, they were so true, so sound, so just, so equitable, that it would be almost sacrilege to utter one word in their defence; that the sense of justice of the majority spontaneously embraced them, and they were so right that they needed no word of explanation upon the part of the majority to sustain them; and following consequently therefrom, they were so indisputable that no argument which the minority of this house could adduce could shake them from their firm foundation. That was the feeling which put these resolutions upon our journal.

Now what could we do under those circumstances? We were not even permitted to question the indisputable correctness of the principles therein announced. We had no opportunity of saying one word upon them. We were permitted only to record our votes in the negative upon them. And then what? Cut off in this way from debating these propositions, going forth, as gentlemen have stated upon this floor they wanted them to go forth, as indisputable propositions, we now simply ask that privilege, the only privilege which parliamentary rules concede to us, of denying the fact that they embody immutable principles which the human soul and heart embrace spontaneously, and of saying, in the form of a solemn protest, couched in dignified